Previous references.

File No. 405

1908

Serial Nos.

(Nagpur)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B. for [illegible]

SUBJECT.

Appeal of Patel Syed Osmanlal and others of Jagat Shah Makan of Kendatti Khadiwala, Kolar Dist re right of trees situated within the Makan precints -

Sl 1. Petn no 998 of 3.9.08 from Patel Syed Osmanlal and others Appeals against the Dy Comrs orders declining to recognize their right to the trees situated within the precints of the Makkan.

Sl 2. To the Dy Comr Kolar Dist No 1187 of 16.9.08. Forwards the above Report with the records of the Case.

G. R. S. 58

11] 1909.

GENERAL AND REVENUE SECRETARIAT.

(Inungai)

NOTES.

File No. 405-08

FILE HEADING.

Petition from Patel Syed roman Sabi and certain others of Jazak Sha makkan at Kendatti madivala, Kolar Taluk, appealing against the Dy. Comm's. order declining to recognize their right to the Trees within the makan precincts.

From

Patel Syed roman Sabi, Syed mahomed Ali Sabi and others.

No. Petition Dated 3-9-1908 Received

Diary No. 998	Enclos. 3	Spare Copies -	Serial No. 1

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Sl 2. To, The Dy. Comm^r, Kolar Dist^t
memo no. 1184 Dy 16-9-08.
Forwards Sl 1. for report together with the connected records.

Sl 3. From, the Same officer,
Letter no. 5593/212 Dy 16-2-09

NOTES—First sheet

GPB—30,000—3-4-07.

Land Revenue Secretariat.

Muzrai File No. 405 of 1908

Serial No.	
(4)	Submits the Report called for in Sl. 2 to the Dy Commr, Kolar Dist^t docket no 1605 dt 15-4-09 calls for the correspondence of the year 1866 and other documents bearing on the case.
(5)	From, the same officer, Letter no 9142/303 dt 21-5-09. Submits the papers referred to in Serial 4.
(Papers under ref.)	The Dy Commr's report (Sl 3) goes exhaustively into the facts of the case. The makkan in question is a muzrai institution endowed with a cash grant of ~~Rs~~ 58-1-0 per annum. The Dy Commissioner inspected it on 12th november 1907 and the premises being dirty and overgrown with prickly pear, he ordered that the cash grant should be stopped till the makkan and its premises were cleaned and put in order. Thereupon several complaint petitions as enumerated in the Dy. Comm's letter, were addressed to that officer by the Hissedars of the makkan who are divided into parties. —

NOTE—Contn. sheet.

GPB—50,000—18-5-08

venue
tariat.

Mutty File No. 405 of 1908

Serial No.

Patel Usman Sab, Syed Mahomed, Syed Abbas and 2 others who are Appellants before Govt form one party while Mohadin Sha Hussain and Hyder Sha Hussain – the manager and his Co-parcener, the other party.

The points for contention are:–

1) The claim of Patel Usman Sab and others to a 3rd share in the usufruct of the Trees in the Makkan,

2) The appointment of a new manager the present manager being alleged to be irregular in the disbursement of Cash allowances to the several Hissedars and inattention to his duties, and

3) Payment of the cost of the removal of Prickly pear to Syed Usman and others

The Dy. Comm'rs findings are:–

1) That Patel Usman and certain others are not entitled to any share in the usufruct of the Trees,

2) That the present manager should continue in office, and

3) That Usman and others are not entitled to any payment on account of the alleged removal of the rubbish

The Dy. Commissioner's 1st finding

NOTE—Contn. sheet.

GPB—50,000—13-5 08

Serial No.

is based on the documentary evidence
X Hag I; of the year 1866, Petition dated 13th Nov. 07
X Hag Y) wherein Usman Sahi and others have
admitted that it is the duty of the
manager to keep the makkan and its
premises clean and enjoy the produce
X Hag S) of the Trees etc. and the mahazar dy
23d January 1905 drawn up by the
Villagers including Usman Sab to
the effect that the Appellants have
no right to the Trees within the makkan
precincts.

As for the 2d finding, it is
reported that the present manager
is conducting runs and other services
regularly and disbursing the cash
allowances to all the share-holders
maintaining proper Acquittance roll

As regards the 3d finding, it
will be observed from Para 14 of the
Dy. Comm's letter that the Appellants
have made inconsistent Statements
regarding the cost of the removal
of the rubbish. Besides the Sub
Divisional officer Mr K. Sreenivasa Rao
7 (a to e) states in his Inspection Report
that the Appellants make an

GPB—50,000—13-5 08

Serial No.

incorrect Statement when they say that they removed the accumulated rubbish and add that "prickly pear is undesirably in evidence".

Against the foregoing order, — Rated Usman Sahb and others have appealed To Govt.

Submitted for orders

Hag 23

AV 11/6/09

Put up along

Put up along for issuing notice

SS 7/7/1909

Issue SS 10/7/1909

Submitted AV 10/7/09

9/7/1909

Abdulla & Pahe Usman Sahb, Mahomed Adam Sahb, Syed Ahmed Sahb, Syed Mahomed Sahb, Syed Khamis Sahb and others Syed Khamis Sahb

Issued

Respondents — Mahomed Ibn Hamisin and Hyder Ibn Hamisin Issued

Both parties ordered to engage Pleaders & file their replies within 14 days — Parties informed —

Send the original records relating to the Embargo of 1895 & order of 1898 before ... of the Revenue file

SS 11/7/1909

By order SS 13/7/1909

Spl.

Off Submit AVS 15-09

AV 28/7/09

GPB—50,000—13-5 08

Serial No. 6

To, The Dy Commr, Kolar Dist
no. 289 Dy 30:4:09.
Calls for the original records relating to the Mahazar of 23d January 1905 and the Amildar's order of the 20th August 1904

7

From, the same officer,
Letter no 1424/47 Dy 9·8·09.
Submits the papers called for.
The original Mahazar of 1905 has been received with these papers

Flag S) S

MY 20-8-09 - Sd

Under Secretary's note..

In regard to the Dy Commr finding about the first question viz the usufruct of the trees, the following objections are urged in the Appeal petition —

a) That the order of 1866 itself is not correct, as it makes a distinction between a Shadi and a Nika This order was not being followed

b) the Mahazar of 1905 has been signed by the Patel alone and cannot bind the other Appellants.

c) the petrs' position has not been correctly interpretted. Petitioners even now admit that the incomes of one

GPB—50,000—13-5 08

Serial No.

the trees etc is first to be used towards the cost of keeping the premises clean. i.e. &c &c. The balance is to be divided among all the share-holders.

It seems to me that the income from the trees, grass etc. should be used by the manager for purposes of the Mokan, and should not be divisible among the shareholders.

As regards the 2nd point, the Dy. Commr says that the present manager is working satisfactorily and that therefore it is not necessary to remove him. This view, I beg to submit, may be accepted.

As regards the 3rd point, the Appellants say that there is no inconsistency in claiming different amounts on different occasions according to the work done. In this connection, I have to refer to the Statement made by the Counter-petns. before the Amildar on 3-3-1908 They have expressed their willingness to pay the cost of the work done

GPB—50,000 -18 5 08

Serial No.

by the Appellants. As the Sub-Divisional Officer's report clearly shows that the prickly pear had not been completely removed, a sum of Rs 16-8-0 only which is the amount claimed in the first petition may be awarded to the Appellants.

Submitted to the Commissioner

Anantharaya

27/8/1909

The appellants say that they have spent money & in clearing the premises of prickly pear &c. The respts deny that any clearing was done by these.

~~If the~~ The Appts claim a share of the produce of trees, which also the depts deny.

Both points of dispute are such as should be left to the decision of a Civil Court. If the Appellants have been expressly ordered to do any

NOTE—Contn. sheet.

GPB—50,000—13-5 06

Serial No.

clearing work by the Dy Cr or any Rev Offr, the quantity & cost of such work may be withheld from the tasdik due & paid over to the party doing the work. If on the other hand (as is more likely) the ryts did the work of their own accord in order to ~~[illegible]~~ get ryt of the tasdik, the Govt. department has nothing to do with the matter & the parties shd be informed that their dispute shd be settled by a Civil Court.

A. Majumdar 25/8/09

Pol dept

25/8 orig Issue

Submit

8 To - The Dy Commr Kolar Distt

No. 696 dt 4.9.09

Directs that the dispute &c

GPB—50,000 -18 5 08

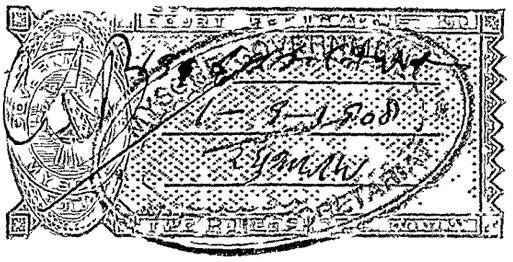
Ser No.

are such as should be left to the decision of a Civil Court that if the appellants have been expressly ordered to do any clearing work by the Dy Comrs or any Revenue Offr, the cost of such work may be withheld from the Tasdik due and paid over to the party doing the work, that the Secretariat Dept has nothing to do with the matter and the parties will be informed that their dispute should be settled by a Civil Court -

No 697 of 4.9.09 to the Postes.
Intimates the above

No 698 of 4.9.09 to the Commissioner Postes
Intimates the above

GPB—50,000—13.5.08



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3/9/08

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CBS
4/9/08

1908-1909

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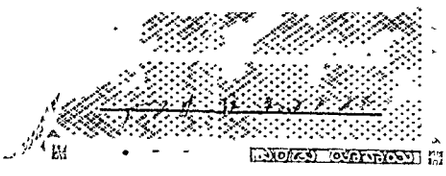

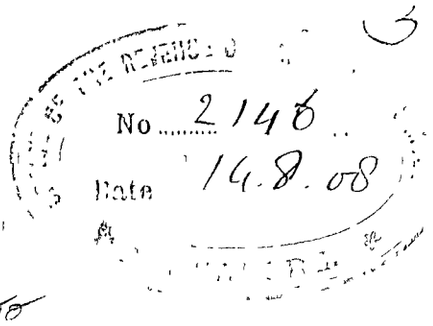
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Date 14.8.08

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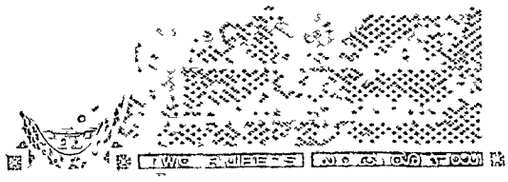
ಅಂಗಡಿ ಮತ್ತು ವ್ಯಾಪಾರ ಸಂಸ್ಥೆಗಳ
ಕಾಯಿದೆಯ ಪ್ರಕಾರ ಅಂಗಡಿಯ ಮತ್ತು ವ್ಯಾಪಾರ ಸಂಸ್ಥೆಯನ್ನು
ನೋಂದಾಯಿಸಲು ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಅದರಲ್ಲಿ
ಸೂಚಿಸಿರುವ ವಿವರಗಳು ಸರಿಯಾಗಿವೆ ಎಂದು ಪ್ರಮಾಣೀಕರಿಸಿದೆ.

ಬೆಂಗಳೂರು 20-8-08.
E2

ಸಹಿ/-
for, Revenue Commissioner.
R.P.



ಕೋರ್ಟಿಗೆ

190 190 ನೇ ಇಸವಿ ನಂಬರು.

ವಾದಿ,

ಪ್ರತಿವಾದಿ,

ಮಾ ರಾ ವರಿಗೆ.

ಬರಿಸಿಕೊಟ್ಟ ನಕಾಲತ್‌ನಾಮ

ಮೇಲ್ಕಂಡ ನಂಬರ್ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಫೈನಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಗೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯವೆದಲ್ಲೂ ಅರ್ಜಿ ವಗೈರೆ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರೀ ಬೋಲಗು, ಶಿಲ್ಕು ಬೋಲಗು, ಸಹ ಪಡದುಕೊಂಡು ರಶೀದಿ ಕೊಡುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಿಗಾಗಿ ವಾಪಸು ಆಗುವ ದಾವಾ ಸಾಮಾನು ಪ್ರೋಸಸ್ ಸಾಮಾನು ಸಹ ಪಡದುಕೊಳ್ಳುವದಕ್ಕೂ, ಮತ್ತು ನನ್ನ ಬಾಬತು ವಿಶಿಷ್ಟ ದಸ್ತೆಲ ನಜು ನಗೈರೆಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ವಾಪಸು ತೆಗದುಕೊಳ್ಳುವದಕ್ಕೂ, ಸಹ ಈ ಮೂಲಕ ತಮಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇರುತ್ತೇನೆ. ಈ ವಿಷಯದಲ್ಲಿ ತಾವು ನಡಿಸುವ ಕೆಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ಮಾಡಿ ಇರುವಂತೆ ಒಪ್ಪಲೂ ಇದರಿಂದ ಬದ್ಧನಾಗಿ ಇದೇನೆ.

ತಾರೀಖು

ರುಜು

ಈ ವೊಕ್ತ್ಯಾರ್‌ನಾಮ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯ ಸ್ವರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿರುವದರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿ ಇದೇನೆ.

ಈ ವೊಕ್ತ್ಯಾರ್‌ನಾಮ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.

ಈ ಪುಸ್ತಕ ಬೆಂಗಳೂರು ನಿಟಿ ಚಿಕ್ಕಪೇಟೆ 449 ನೇ ನಂಬರು ಪಾಳ್ಕೇಸರ್ ಎಚ್ ಬ ಚಿಕ್ಕಣ್ಣಶೆಟ್ಟರವರ್ಲಿ ದೊರೆಯುತ್ತೆ.
The Irish Press, Bangalore City

[illegible]

[illegible] 13-11-07 [illegible]

253 [illegible]

2) [illegible] 7-12-07 [illegible]

[illegible]

) [illegible]

12.07 [illegible]

[illegible]

[illegible] Rs as 16-8-0 [illegible]

[illegible] 164/6-1-08 [illegible]

[illegible] Senior Assistant Commissioner Malur Sub Division [illegible]

[illegible] 27-1-08 [illegible]

[illegible] 1866 [illegible]

[illegible] 17-2-08 [illegible]

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[illegible] 6 [illegible]

[illegible] 1/3 [illegible]

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[illegible] 12 [illegible] 3 [illegible]

[illegible] 4 [illegible]

[illegible] 27-1-08 [illegible]

[illegible] Senior Asst Commissioner

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536/3-1-08 [illegible]

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ಮಾನ್ಯ ಶ್ರೀಯುತ ಪೌರಕಾರ್ಮಿಕ ಸಚಿವರು

ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಬೆಂಗಳೂರು - ಪತ್ರ ಸಂಖ್ಯೆ 11-7-

ಸನ್ಮಾನ್ಯರೇ, ನಾನು ಕಳೆದ ಹಲವು ವರ್ಷಗಳಿಂದ ಪೌರಕಾರ್ಮಿಕರ ಸಮಸ್ಯೆಗಳ ಬಗ್ಗೆ ಗಮನ ಸೆಳೆಯುತ್ತಾ ಬಂದಿದ್ದೇನೆ. ಈ ಬಾರಿಯ ಬಜೆಟ್ ಅಧಿವೇಶನದಲ್ಲಿಯೂ ಸಹ ಈ ವಿಷಯವನ್ನು ಪ್ರಸ್ತಾಪಿಸಿದ್ದೆ. ಆದರೆ ಇಲ್ಲಿಯವರೆಗೂ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಈ ಪತ್ರದ ಮೂಲಕ ಮತ್ತೊಮ್ಮೆ ಈ ವಿಷಯವನ್ನು ತಮ್ಮ ಗಮನಕ್ಕೆ ತರಲು ಇಚ್ಛಿಸುತ್ತೇನೆ.

ಪೌರಕಾರ್ಮಿಕರು ನಗರದ ಸ್ವಚ್ಛತೆಗಾಗಿ ಅಹರ್ನಿಶಿ ದುಡಿಯುತ್ತಿದ್ದಾರೆ. ಆದರೆ ಅವರಿಗೆ ಸಿಗಬೇಕಾದ ಸೌಲಭ್ಯಗಳು ಸಿಗುತ್ತಿಲ್ಲ. ಕನಿಷ್ಠ ವೇತನ, ಸುರಕ್ಷತಾ ಸಾಧನಗಳು, ಆರೋಗ್ಯ ವಿಮೆ, ಮಕ್ಕಳಿಗೆ ಶಿಕ್ಷಣ ಸೌಲಭ್ಯ ಇವೆಲ್ಲವೂ ಅವರಿಗೆ ಮರೀಚಿಕೆಯಾಗಿವೆ. ಅನೇಕ ಕಡೆಗಳಲ್ಲಿ ಅವರು ಇಂದಿಗೂ ಗುತ್ತಿಗೆ ಆಧಾರದ ಮೇಲೆ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಇದರಿಂದಾಗಿ ಅವರ ಆರ್ಥಿಕ ಭದ್ರತೆ ಸಂಪೂರ್ಣವಾಗಿ ಕುಸಿದಿದೆ.

ಕಳೆದ ಜನವರಿ 5ರಂದು ಬೆಂಗಳೂರಿನಲ್ಲಿ ನಡೆದ ಪೌರಕಾರ್ಮಿಕರ ಪ್ರತಿಭಟನೆಯಲ್ಲಿ ಸುಮಾರು 12 ಸಾವಿರಕ್ಕೂ ಹೆಚ್ಚು ಜನ ಭಾಗವಹಿಸಿದ್ದರು. ಅವರ ಪ್ರಮುಖ ಬೇಡಿಕೆಗಳು ಹೀಗಿವೆ: ಕನಿಷ್ಠ ವೇತನ ತಿಂಗಳಿಗೆ 22,000 ರೂಪಾಯಿ ನಿಗದಿಪಡಿಸಬೇಕು, ಪ್ರತಿಯೊಬ್ಬರಿಗೂ ಆರೋಗ್ಯ ವಿಮೆ ಒದಗಿಸಬೇಕು, ಮಕ್ಕಳಿಗೆ ಉಚಿತ ಶಿಕ್ಷಣ ನೀಡಬೇಕು, ಮತ್ತು ಕೆಲಸದ ಸಮಯದಲ್ಲಿ ಮೃತಪಟ್ಟವರ ಕುಟುಂಬಕ್ಕೆ 10 ಲಕ್ಷ ರೂಪಾಯಿ ಪರಿಹಾರ ನೀಡಬೇಕು. ಈ ಬೇಡಿಕೆಗಳು ಅತ್ಯಂತ ನ್ಯಾಯಯುತವಾಗಿವೆ.

ಸಫಾಯಿ ಕರ್ಮಚಾರಿ ಆಯೋಗದ ಅಧ್ಯಕ್ಷರಾದ ಶ್ರೀ ಎಂ. ವೆಂಕಟಸ್ವಾಮಿ ಅವರು ಕಳೆದ ಮಾರ್ಚ್ 3ರಂದು ಬೆಂಗಳೂರಿಗೆ ಭೇಟಿ ನೀಡಿದ್ದಾಗ, ಪೌರಕಾರ್ಮಿಕರ ಸಮಸ್ಯೆಗಳ ಬಗ್ಗೆ ಗಂಭೀರ ಕಳವಳ ವ್ಯಕ್ತಪಡಿಸಿದ್ದರು. ಅವರು ಸಲ್ಲಿಸಿದ ವರದಿಯಲ್ಲಿ ಸುಮಾರು 4562 ಪೌರಕಾರ್ಮಿಕರು ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದಾಗ ಮೃತಪಟ್ಟಿದ್ದಾರೆ ಎಂದು ಉಲ್ಲೇಖಿಸಲಾಗಿದೆ. ಇವರಲ್ಲಿ ಬಹುತೇಕರಿಗೆ ಯಾವುದೇ ಪರಿಹಾರವೂ ಸಿಕ್ಕಿಲ್ಲ. ಈ ಅಂಕಿಅಂಶವೇ ಸಾಕಷ್ಟು ಆತಂಕಕಾರಿಯಾಗಿದೆ.

ಕಳೆದ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಸರ್ಕಾರ ಪೌರಕಾರ್ಮಿಕರ ಕಲ್ಯಾಣಕ್ಕಾಗಿ 311 ಕೋಟಿ ರೂಪಾಯಿ ಮೀಸಲಿಟ್ಟಿತ್ತು. ಆದರೆ ಖರ್ಚಾಗಿದ್ದು ಕೇವಲ 224 ಕೋಟಿ ರೂಪಾಯಿ ಮಾತ್ರ. ಅಂದರೆ ಸುಮಾರು 87 ಕೋಟಿ ರೂಪಾಯಿ ಬಳಕೆಯಾಗದೆ ಉಳಿದಿದೆ. ಈ ಹಣವನ್ನು ಸಮರ್ಪಕವಾಗಿ ಬಳಸಿಕೊಂಡಿದ್ದರೆ ಅನೇಕ ಕುಟುಂಬಗಳಿಗೆ ಸಹಾಯವಾಗುತ್ತಿತ್ತು. ಈ ಬಗ್ಗೆ ಸಮಗ್ರ ತನಿಖೆ ನಡೆಸಬೇಕೆಂದು ನಾನು ಒತ್ತಾಯಿಸುತ್ತೇನೆ.

ಆದ್ದರಿಂದ ಈ ಕೆಳಗಿನ ಕ್ರಮಗಳನ್ನು ತಕ್ಷಣ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ವಿನಂತಿಸುತ್ತೇನೆ. ಮೊದಲನೆಯದಾಗಿ, ಪೌರಕಾರ್ಮಿಕರ ಕನಿಷ್ಠ ವೇತನವನ್ನು ತಿಂಗಳಿಗೆ 22,000 ರೂಪಾಯಿಗೆ ಹೆಚ್ಚಿಸಬೇಕು. ಎರಡನೆಯದಾಗಿ, ಪ್ರತಿಯೊಬ್ಬ ಪೌರಕಾರ್ಮಿಕರಿಗೂ ಆರೋಗ್ಯ ವಿಮೆ ಒದಗಿಸಬೇಕು. ಮೂರನೆಯದಾಗಿ, ಕೆಲಸದ ಸಮಯದಲ್ಲಿ ಮೃತಪಟ್ಟವರ ಕುಟುಂಬಕ್ಕೆ 30-8-66 ರೂಪಾಯಿ ಪರಿಹಾರ ನೀಡಬೇಕು.

[illegible]

[illegible]

[illegible]

[illegible] 4-9-66 [illegible]

[illegible] 434 [illegible]

[illegible]

[illegible] 23-1-55 [illegible]

[illegible]

[illegible] 2 [illegible]

[illegible] 13-11-87 [illegible]

[illegible]

17 [illegible]

[illegible]

17-2-08 [illegible]

[illegible]

ಅವರ ಕೈ-ಅಂತರದ್ದರಿಂದ ಅವರು ಸ್ಪರ್ಧೆಗೆ ಅರ್ಹರಲ್ಲ

ಮಂತ್ರಿಮಂಡಲದ ತೀರ್ಮಾನದಂತೆ ಅಲ್ಲಿನ ಶಾಸಕರಿಂದ ಮತ್ತೆ
ಸಹಿ ಪಡೆಯಲು ಕಾಲಾವಕಾಶ ಕೋರಿದ್ದರಿಂದ ಮತ್ತು ಸಂಜೆ ಸಮಯ
ಆಗಿದ್ದರಿಂದ ಮರುದಿನ ಬೆಳಿಗ್ಗೆ ಸಹಿ ಪಡೆದು ಕಳುಹಿಸಿಕೊಡುವುದಾಗಿ
ಅಂಜನಾಪುರದ ಸಚಿವರು ತಿಳಿಸಿದ್ದರಿಂದ ನಿರ್ಧಾರ ಪ್ರಕಟಿಸಲು
ಕಷ್ಟವಾಯಿತು. ಆದರೆ ಅವರಿಂದ ಯಾವುದೇ ಕರೆ ಬರಲಿಲ್ಲ.

ಅಂತಿಮವಾಗಿ 26-12-07ರಲ್ಲಿ ಸಾಧಿಸಿದ ಅಭ್ಯರ್ಥಿ ಪಡೆದ ಮತ 16-8
ಅಂತರದಲ್ಲಿ ಈ ಕ್ಷೇತ್ರ ಕಾಂಗ್ರೆಸ್ ಪಾಲಾಯಿತು. ಆದರೆ
17-2-08ರಲ್ಲಿ ಚುನಾವಣೆ ಪಡೆದ 50-60 ಮತಗಳಿಂದ
ಈ ಕ್ಷೇತ್ರವನ್ನು ಈ ಅಭ್ಯರ್ಥಿಯೇ ಗೆಲ್ಲುವುದಾಗಿ
ಸಚಿವರು 3-3-08ರಲ್ಲಿ ಮತ್ತೆ ಕ್ಷೇತ್ರಕ್ಕೆ ಬಂದ ಸಮಯದಲ್ಲಿ
ಸುಮಾರು 50-55 ಶಿವಸೇವಕರುಗಳನ್ನು ಅವರು ಭೇಟಿ ಮಾಡಿದಾಗ
ಈ ಸಚಿವರು ಆಡಳಿತ ಅಭ್ಯರ್ಥಿಯೇ ಗೆಲ್ಲುವುದಾಗಿ
ಹೇಳಿದ್ದರಿಂದ ಸಚಿವರಿಗೆ ಮತ್ತೆ ಸಹಿ ಪಡೆಯಲು ಕಾಲಾವಕಾಶ
ಕೊಡಬೇಕಾಯಿತು. ಆದರೆ ಸಚಿವರು ಅಂಜನಾಪುರಕ್ಕೆ
ಹಿಂತಿರುಗಿದ ನಂತರ ಅವರಿಂದ ಯಾವುದೇ ಕರೆ ಬರಲಿಲ್ಲ.
ಸಚಿವರು ಮತ್ತೆ ಸಹಿ ಪಡೆದು ಕಳುಹಿಸಿಕೊಡುವುದಾಗಿ
ತಿಳಿಸಿದ್ದರಿಂದ ಮರುದಿನ ಬೆಳಿಗ್ಗೆ ಸಹಿ ಪಡೆದು ಕಳುಹಿಸಿ-
ಕೊಡುವುದಾಗಿ ಅಂಜನಾಪುರದ ಸಚಿವರು ತಿಳಿಸಿದ್ದರಿಂದ
ನಿರ್ಧಾರ ಪ್ರಕಟಿಸಲು ಕಷ್ಟವಾಯಿತು. ಆದರೆ ಅವರಿಂದ
ಯಾವುದೇ ಕರೆ ಬರಲಿಲ್ಲ. ಅಂತಿಮವಾಗಿ ಸಾಧಿಸಿದ
ಮತ ಪಡೆದ ಅಭ್ಯರ್ಥಿಯ ಮತಗಳಿಗಿಂತ ಕೇವಲ
ಮತಗಳ ಅಂತರದಲ್ಲಿ ಈ ಕ್ಷೇತ್ರ ಕಾಂಗ್ರೆಸ್ ಪಾಲಾಯಿತು.
ಆದರೆ ಚುನಾವಣೆ ಪಡೆದ ಮತಗಳಿಂದ
ಈ ಕ್ಷೇತ್ರವನ್ನು ಈ ಅಭ್ಯರ್ಥಿಯೇ ಗೆಲ್ಲುವುದಾಗಿ
ಸಚಿವರು 3-3-08ರಲ್ಲಿ ಮತ್ತೆ ಕ್ಷೇತ್ರಕ್ಕೆ ಬಂದ ಸಮಯದಲ್ಲಿ
ಸುಮಾರು 50-55 ಶಿವಸೇವಕರುಗಳನ್ನು ಅವರು ಭೇಟಿ ಮಾಡಿದಾಗ
ಈ ಸಚಿವರು ಆಡಳಿತ ಅಭ್ಯರ್ಥಿಯೇ ಗೆಲ್ಲುವುದಾಗಿ
ಹೇಳಿದ್ದರಿಂದ ಸಚಿವರಿಗೆ ಮತ್ತೆ ಸಹಿ ಪಡೆಯಲು ಕಾಲಾವಕಾಶ
ಕೊಡಬೇಕಾಯಿತು. ಆದರೆ ಸಚಿವರು ಅಂಜನಾಪುರಕ್ಕೆ
ಹಿಂತಿರುಗಿದ ನಂತರ ಅವರಿಂದ ಯಾವುದೇ ಕರೆ ಬರಲಿಲ್ಲ.

K.T. 277
13.11.07

(Sd) B.B
9-5-08

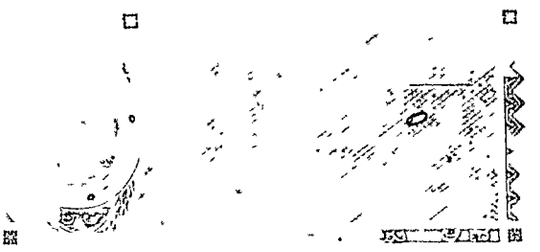
(Sd.) C. Srikanteswara Aijar
Deputy Commissioner
Kolar

"True Copy"

District Sheristedar
Kolar District

Memo

Copy applied for 18.7.08
Do — ready on 20.7.08
Do — delivered on 28.7.0
No of words. 1526
copying fee. 1-8-0.
comparing fee 0-4-0
paper cost — .0-0-2
1-12-2



70/4

court of the munsiff and II class magistrate Kolar.

Dated 24th January 1908.

Present. G. Sreenivasa, Iyer, Esqr, B.A.B.L. munsiff and II class magistrate.

Criminal case no. 12 of 07-08.

Complainant
Hyder-Sha Hussien.

accused
1 Oosmansab
2 Syedkhader
3 Gowsab
4 Badesab
5 Amirsab
6 Mahammadalli-Sab

Judgment.

The complainant - Hyder-Shah Hussieni charged all the six accused with having assaulted him in his makkan while he was removing the prickly-pear an offence punishable under S. 352 of the Indian penal code.

The accused pleaded "not guilty".

The following witnesses were

1210

1. Hyderkhan Husseini,
2. meer mrityaja,
3. Abdul Ali

Exhibit A a copy of the order appointing one mohideen shah Husseini as manager of the makkan was filed on behalf of the complainant.

The accused pleaded "not guilty". The statement of the accused is as follows:-

First accused:-

2nd accused:-

3rd accused:-

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5th accused

6th accused.

The complainant's story as it appears from his complaint is that the Shah Ihsan makkan in madivala is managed by his cousin, that when he went to cut and remove the prickly pear, the accused also came there with 7 or 8 men to remove the prickly pear, that he prevented them, and then that he was assaulted by the six accused. Hence the

the evidence

six accused are

in the makkan, and ha

a share in the tasdik allow-

ance granted to the makkan

by the government. It is also

clear that the payment of the

allowance has been stopped

by the Deputy commissioner,

as the prickly pear in the

makkan had not been remove

for the last one year. The first

and 6 th accused applied to

the Deputy commissioner for

payment of their allowance,

and in reply got an order (Ex I)

that they first must remove

the prickly pear. That these

two accused went to remove

the prickly pear and did

remove it is not denied by

them. It also appears that the

complainant asked them not

prickly pear

and that he would himself

remove it. Thus far there is no

difference.

But the complainant says

further that he was assaulted

by the accused for asking them

not to cut and remove the prie

pear. But the accused deny the

The evidence adduced on behalf

of the complainant is interested

and full of contradictions and

discrepancies. The complainant

says that when the first

accused and the 6th accused

caught hold of his arms, Abdul

Ali and mrityaja (~~others~~) were

standing at a distance of

about 30 feet, whereas mrityaja

(2nd witness) says that when

he first saw the complainant

he was getting up from the

70
6

the ground
says that he fell on the
with his face towards the
ground; and that he was
beaten even subsequently by
the 4th and 5th accused
on the neck, whereas Abdul-
-ali (3rd witness) says that he
fell on his back with regard to
the accused 2, 3, 4, and 5 the
complainant himself can
not ~~swear which of them~~ beat
him and in which part of
the body. The 2nd witness
mrityaja is an utterly un-
reliable witness, he is the
cousin of the complainant
and the manager. He first
said that he saw the 1st
and 6th accused holding
the complainant and the
others beating him, but

diately after he says
that when he first saw the
complainant he was getting
up from the ground. The
complainant himself swears
that the 1st and 6th accused
left him before he fell to the
ground. Further the story
that he came to see a relative
who was sick, all the way
from Vengal, and was able
to return in a few minutes
back to his village, is a false-
hood on the face of it. The
witness - Abdul - Ali fully con-
firms this view and gives
the lie to Arityaja's story and
says that Arityaja came
to the Mallkan only
consideration of

27

Of the

stated that there

satisfactory evidence to

that any assault was

by any of the accused.

I accordingly acquit the

accused under S, 245 Criminal

procedure Code.

(Signed) G Srinivasa Iyer.

24/1/08

Compd by
A.S. Ayyar

"True copy"

Asst Sir

Ag. munsif

copy applied for by 6th accused.

1 Date of application 24/1/08

2 Date when stamps & fees were called for 24/1/08

3 do — do — deposited 24/1/08

4 do — additional stamps and fees were called for 24/1/08

5 do — do — deposited 27.1.08

6 do — copy was ready. 27-1-08

7 do — do — delivered. 29-1-08

8 charges of copying & comparing including paper cost is Rs. 1-1-5

no of words: 905 K.R Kasipatirao

Muz F 405-08-

Muz.4]

GOVT. OF H. H. THE MAHARAJA OF MYSORE.

MUZRAI DEPARTMENT.

OFFICIAL MEMORANDUM.

No. 1187 Ex. & A

The accompanying Appeal Petition No. 998 dated 3d Septr 1908 received at this office from Patel Syed Nooma Sahi and certain other Hissedars of Bhagat Sha Makan at Kendatti Madivala in the Kolar Taluk appealing against the Dy. Commr's order declining to recognize their rights to the trees within the precincts of the mutts, is forwarded, together with its enclosures, to the Deputy Commissioner of the Kolar District for submission of the entire records connected with the case together with a detailed report thereon.

By Order,

for Secretary,
~~Muzrai Department~~

BANGALORE,
Nov 13 1908.

GPB—800—20-9-07

Recd 22/2/09

29

1909 D924

From The Deputy Commissioner
Kolar District

To The Secretary to the Govt of Mysore
General & Revenue Departments
Dantzrai Branch

Dated

Despatched 16/17 Th February 1909

Received

General No. 5593

No. 212

Enclosure No One file

Submits the entire records pertaining to the appeal petition of Syed Usman Sab and certain other Hissedars of Phyal Sha Inamdar of Kendatti Madivala in the Kolar Taluk.

Refer
AY

19.2.09
AY

Deputy

20

5593/212

Nolan District,

Dated 15th February 1909

17

From,

C. Srikanteswara Aiyar Esquire
B.A.B.L.,
Deputy Commissioner,
Nolan District

To

C. S. Balasundram Iyer Esquire B.A.
Officiating Secretary to the
Government of Mysore,
General & Revenue Departments,
Bangalore Branch

Sir,

With reference to your official memo No 1187 dated 16th September 1908 calling for the submission of the entire records with a full report of the facts on the appeal petition (No 978 of Syed Usman Sab and certain other kisseedars of Syed Sha Inaitkan alt Inadivala in the Nolan Taluk, I have the honor to state as follows:-

Madhan referred to is a Dargah
Institution endowed with a cash
grant of Rs 58-1-0 per annum
This was inspected by me on 12th
November 1907 and the premises
being dirty and overgrown with
prickly pear it was ordered that
the cash grant should be stopped
till the madhan and its premises
were cleaned and put in order.

3. Of the appellants, Patel Syed
Usman Sab, Syed Mahamadali Sab
and Abba S:. who are shareholders
in the cash allowance of the
appeared before me at Vaikkaleri
during the Huzur Jamabandy and
presented a petition on 13th X
1907 stating that the manager

Mahmadin

Mohadin Hussein has
allowance for not removing the rank
vegetation in the makkan, that it was
the custom for the manager himself to
enjoy the produce of all the tamarind
and other trees in the makkan premises
and remove all noxious vegetation &c
& that he neither paid them their
cash allowances nor removed the prickly
pear &c that under such a manager
the makkan would never be kept
clean & that there was no end to their
difficulties, and prayed that therefore
any other of the shareholders might
be appointed as manager. The petitioners
were given an endorsement No 253
dated 13th November 1907 that the makkan
should first be cleared of prickly
pear &c

4. The respondents Mohadinahoo
Hussanie and Hyderahoo Hussanie &c
the

the manager and his coparcener presented
a petition on 7th December 1907 stating
that the Patel Usman Sab the 1st
appellant was removing the produce
of tamarind trees, grass &c with the
help of the villagers from the madkam
premises and grazing his cattle in the
compound of the madkam and had
cut down many big branches from
trees and prayed for orders prohibiting
them from destroying the trees and
from entering into the madkam premises
5. Patel Usman Sab, Syed Mahamed
& Syed Abbas, the 1st, 2nd & 3rd appellants
petitioned on 9th December 1907 represent
that they employed paid labour and
removed prickly pear &c as per order
of the Deputy Commissioner, that
the manager Mohadin Hussein the
respondent

respondent was not
cash allowances properly to the share-
holders, that he did not light the
makkan, that he kept no regular
watch over the institution and prayed
that therefore the manager should
be removed and that anyone else
should be appointed manager.
6. Again on 26th December 1907, Syed
Mahamedali Sab, Syed Abbas Sab, the
2nd & 3rd appellants with Sabjan Sab
and Jouse Sab petitioned that the (Hag X.
manager Mahamed Hussein and
Hyder Hussein the respondents
did not remove prickly pear in
the makkan, that the appellants
themselves had cleared the makkan
at a cost of Rs 16-8-0 and prayed that
the cost thereof together with their
cash allowances and the amani produce
of

trees in the makkan might be given them.

7. All these petitions were referred to the Senior assistant commissioner Mr. K. Srinivasa Rao for enquiry and report.

8. The 1st respondent Mohadin Sha Bhosein the manager petitioned again on 27th January 1908 that the management of the makkan rested in his family from the time of his forefathers, that all kinds of receipts of the makkan belonged to only three persons viz himself, Hydershaw Bhasen the 2nd respondent & Fatimabi widow of Saheb Sujan & that the appellants Usman Sab & others were simply without any right fighting for the produce of the trees &c and added that on a former occasion on the compl int

(Hagwj)

of the father in 1866 it was
decided that all the receipts of the
Inamkhan should go to Asadulla Shaw
Hussain (the respondents father) and
not to Syed Khader and others of the
appellants party, and prayed that the
1st appellant and his other shareholders
might be ordered not to disturb him
and his party in the enjoyment of
the Inamkhan property. This petition
was referred to the Amildar of Kolar
Taluk for enquiry and report.

9. At this stage on 17th February
1908, the appellants Patel Syed Usman
Sab, Syed Mahamedali Sab, Syed Abbas,
Syed Mohadin, Syed Rahiman alias
Syed Khasim & Syed Khasim filed a
petition through their Pleader claiming
a third share of the amarai produce
of the Inamkhan and praying for the removal
of

present manager and for the payment to them of the cost of removing the prickly pear &c. This was also sent to the Amildar of Uolar Taluk for enquiry and report and to keep the amarai produce amanat till the disposal of their dispute.

10. On receipt of the Amildars report the petitioners (the appellants) with their Pleader and the counterpetitioners (the respondents) with their Advocate were heard. All the previous records mentioned by the counterpetitioners (the respondents) in their petition dated 27th January 1908, mentioned in para 8 supra as also the Senior assistant Commissioner's yadi No. 814 dated 25th March 1908 and the Amildar's report were perused. The counterpetitioners (the respondents) contended that the petitioners (appellants) had no right whatever either to the

2nd the Mukkam or in the produce
that the petitioners never before enjoyed
them and never got any share therein
that there was no record whatever
forthcoming to show either that the petitioners
had any right to the trees or to show
that they even enjoyed them, that the
contipetitioners (the respondents)
and before them their fathers alone
were enjoying the trees, that there
were previous records of the year 1866
to show that the petitioners fathers
were disallowed all claims to the trees or
to their produce of the Mukkam.
11. On a reference to these previous
records, it was found that as far back
as 8th July 1866 on a petition presented
to the Deputy Superintendent Nolan
by Shaikhadulla Hussein (father of the
contipetitioners – the appellants) &
his brother Asadulla Hussein stating
that Khadar Sahb's father (Grandfather of the

the 1st appellant Patel Usman Sahb
and others were sons by a nikka wife
as such were not entitled to & had no
right whatever in the Inakkam &
other property belonging to it, that
as their father Sajafallishaw Hussein
was the grandson by the legal wife of
their grandfather Ashaballi Hussein, all
his grandfather's estate & the Inakkam
property so devolved on & belonged to
his father Sajafallishaw Hussein &
have been in the enjoyment of the
family since then. Order No 57 dated
11th July 1866 was issued to the Amildar
that as the control of the Inakkam
was with the Amildar and the contr.
petitioners were not in receipt of
any share in the amani produce &
as the petitioners prayed for prohi

the counterpetitioner
into the Inakkam premises, the counter
petitioners should be heard in person
+ if they should admit that they were
not getting any share they should be
ordered that they should not enter the
Inakkam premises without the petitioners
permission. The Amildar after enquiry
reported in his No 265 dated 30th August
1866 that the counterpetitioners could
not produce any documentary evidence
in support of their claims but produced
only a mahajan drawn up in their favour + Hagt)
by some of the villagers of their faction
which could not therefore be depended
upon, that the petitioners stated
that the inakkam ie was in their
enjoyment from the commencement,
that when once before in the year 1859
when a tree in the Inakkam premises
was cut and there was some dispute between
the brothers the sale proceeds of the tree
were

were placed in deposit and were ultimately paid to the fakirs only; that from these records it was seen that the watch &c of the Inamkan was being done by the fakirs the petitioners who were also enjoying the usufruct of the trees &c and that final order had been passed by the Acting Deputy Superintendent in his No 434 dated 4th September 1866 that the contending petitioners should abide by the orders of the District Judge Bangalore as regards the usufruct of the trees &c.

12. From the above records it was seen that the disputed question had long ago been settled, that the forefathers of the petitioners (appellants) Patel Syed Usman Sab Syed Inamdar Ali Sab, Syed Abbas

Syed Khasim Sab and
to have no right whatever to the trees
in the kathkam and that the entire
right vested in the father and uncle of
the present manager Mohadinshaw
Hussani the respondent.

Further on a petition presented
in January 1905 by Syed Khasim
Sab (the 5th appellant) complaining
that the kathkandar Mohadinshaw
Hussani the 1st respondent had
cut off the branches of a banyan
and a bilvapatra tree in the kathkam
premises, a mahajar was drawn up (Flags
on 23rd January 1905 by the villagers
of Kendathi Madivala before the
Hobli Shekdar that it was the
duty of the Patils (the respondents)
to watch the kathkam, to rear up
trees therein & that the petitioner

Syed

43

Syed Khasim the 5th appellant had no right whatever in the mukkan or in any thing else belonging to the mukkan or in the trees; and this very mahazar was also attested by the 1st appellant Syed Usman, Sab the Patel.

(Hag 4)

Again in the petition presented before me on 13th November 1907 by the appellants Patel Usman Sab, Syed Mahamedali Sab &c referred to in para 3 supra, they have unequivocally admitted that it is only of the manager the 1st respondent to keep the mukkan and its premises and enjoy the produce of the trees &c thereon.

From this statement alone the appellants are estopped from advancing any claim to the trees &c further it was evident that it was the counter-petitioners (the respondents) who were enjoying the produce of the trees in it

mak

Maddam.

For the foregoing reasons the petitioners claim to a third share of the rent of the trees in the Maddam was disallowed and their petition rejected.

13. As for replacing the present Manager it was reported that he had been conducting the Maddam work, the accounts properly, that he had been distributing the cash allowances to all the shareholders regularly maintaining a proper acquittance roll therefor.

The Senior Assistant Commissioner reported that there was no necessity to change the Manager.

Under these circumstances it was ordered that there was no reason to disturb the present Manager.

14. As for disallowing the appellants the cost incurred by them for removing the prickly pears as it could not be ascertained

definitely what extent of work the petitioners (the appellants) had turned out and at what cost. In their petition dated 26th December 1907 (Hag X) they represented they had spent Rs 16-8-0 & in the subsequent petition dated 17th February 1908 they stated that they had spent Rs 50/- to 60/-, and in their statement subsequently made by them before the Senior Assistant Commissioner (Hag XI) they said they had spent Rs 50/- to 55/ (Hag R) but the Senior Assistant Commissioner who inspected the Nakkan reported that no prickly pear or had been removed. As there were so many discrepancies in their statements the claim for costs for the alleged removal of prickly pear was also rejected, the whole of the proceedings

on the Indian wheel
in amanat was ordered to be made
over to the complainpetitioners (the respondents)
15. The appeal is against this order
The vernacular file of records
connected with the case together
with the enclosures received with
the memo under reply are herewith
submitted for reference

I have the honor to be
Sir
your most obedient servant

S Shamsuna
for Deputy Commissioner
Kolar District

G.R.S. 29A]

47

w/4

190

From

Secy. to the Govt. of His Highness the Maharaja of Mysore, Genl. and Rev. Dept.

To

The Dy. Commr

Dated Kolar Dist

Despatched 15th April 09

Received

General No. 1605

No. Cong 405-08-4

Enclosure No. UP.

Adverting to his letter No. 5593/212 dated 16th Feby. 09 reporting on the Appeal petition of Syed Noman and certain other Hissedars of Jayat-~~Shayat~~ Sha makan at Kendatti madinala in the Kolar Taluk, has the honor to state that the under mentioned documents have not been received with the file of papers

48/
submitted under cover of
the letter cited above
and to request that the
same may kindly be sent
to this office for reference
at an early date :-
1) Original endorsement
no 253/13:11:07 given to Syed
Usman by the Dy. Commr.
as also the court judgments.
refd to, and
2) Entire correspondence
of the year 1866 refd. to
in para 11 of the Dy.
Commrs letter under
reference, together with the
original Mahzars
2) The Vernacular
records are herewith returned
for reference and re-submission

By order,

D(J) 12/6/08
for Secretary.
12/6/08

D/582 49

190 Mun F 405-08-5

From
The Deputy Commissioner,
Kolar District

To
The Secretary to the Government of
Mysore, Genl Rev depts, Muz branch,

Dated 21st May Bangalore
Despatched
Received

General No. 9142
No. 303
Enclosure No One file

Resubmitting the entire records in Connection with the appeal petition of Syed Ameen and others ~~in Cr~~ of Tyat Sha mattham at Kendatti in the Kolar Taluk.

Rep[d]
M
22/5/09
M

50

Office of the Deputy

No. 9142
303

Kolar District

Dated, Kolar, 21st May 1909

Encl file

From

C. Srikanteswara Aujar Esquire, B.A., B.L.,
Deputy Commissioner, Kolar District

To

K. S. Chandrasekhara Aujar Esquire, B.A., B.L.,
Secretary to the Government of H.H. the Maharaja
of Mysore, General and Revenue departments,
Muzarai branch, Bangalore

Sir,

With reference to your docket No 1605 / Muz 405-08-4 dated 15th instant requiring certain Records in Connection with the appeal petition of Syed Usman and others of Fyat Sha makkan at Kendatti Madivala in the Kolar Taluk, I have

the

State that the orgenal endoresement No 253 dated 13.11.1907 given to Syed Usman, is in the vernacular file itself being numbered 70 in the pherist.

2. The Court judgment and the entire Correspondence of the year 1866 are submitted herewith as requested in the above.

3 The vernacular records returned, are herewith resubmitted for kind reference and obliging return when done with.

I have the honor to be,

Sir,

Your most obedient servant,

For Deputy Commissioner,

Kolar District.

54

52

Muz. 1]

190

From

To

The Dy. Commr
Kolar Dist

Dated

Despatched

Received 30th July 07

General No. 1107

No. M. 4 645-07-9

Enclosure No. 1 Petn

Adverting to his letter no 9142/303 dated 21st May 1909 reporting on the Appeal petition of Patel Syed noman and certain others of Fayat Sha makkan at Kendatti madivala in the Kolar Taluk, has the honor to state that the above case has been adjourned for hearing

GPL—3 000- 19-9 07

53
before Govt on the 19th
~~proxime~~ December 1905
and To request
that the original records
relating to the mahazar
of 23rd Jany. 1905 and
the Amildar's order of the
20th August 1904 (papers
75/1 & 75/3 of the Vern. file)
may kindly (be) submitted
for reference before the
date of hearing.

2) The Vern. records
are herewith returned
for reference and re-
submission.

By order
8/
19/12/05
for Secretary.
19/12/05

54

342

190

From Mur F 405-08-7

The Deputy Commissioner,

Kolar District.

To

The Secretary to the Government of H.H. the Maharaja of Mysore Gen.&.Rev. Departments, Muzrai Branch.

Dated

Despatched 9th August 1909.

Received 10

General No. 1424

No. 47

Enclosure No. One file

Submitting certain original records in connection with the appeal petition of Syed Usman and others.

Refer

12/8/09

55

No. 1424/47

Deputy Commissioner's Office,
Kolar District,
Dated Kolar, 9th/10 August 1909.

From

C. Srikantesvara Aiyar, Esq., B.A.B.L.,
Deputy Commissioner, Kolar District.

To

K.S. Chandrasekhara Aiyar, Esq., B.A.B.L.,
Secretary to the Government of H.H. the
Maharaja of Mysore, Gen.&.Rev. Departments,
Muzrai Branch.

Sir,

With reference to your docket No.289/M.F.405-08-6 dated 3rd July 1909, requesting the submission of certain original records in connection with the appeal petition of Syed Usman and others of Fayat Sha Makkan at Kendatti Madivala in the Kolar Taluk I have the honor to submit herewith the original records relating to the Mahazar of 23rd January 1905 and the Amildar's order of the 20th August 1904 as requested in the above.

2. The vernacular records returned are herewith resubmitted for reference and kind return when no longer needed.

I have the honor to be,
Sir,
Your most obedient servant,

S. Shamanna
For Deputy Commissioner,
Kolar District.

D.S.

G.R.S. 281

Dft as per audara

56

File No. 605-08

Serial No. 8

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

READ—

, *the*

190 998 dy 3d September 1908

Date of issue 4th September.

Signed by

~~Appeal~~ Petition regd no from Patel Syed Nzman and certain other hissedars of Fayat Sha makan at Kendatti Madivala in the Kolar Taluk appealing against the Dy. Comm'rs order declining to recognize their right to the trees within the makan precincts and also to ~~make~~ payment to them of the cost of ~~the alleged~~ removal of prickly pear etc

ORDER THEREON.—No.

over

SUBJECT

GPB—6,000—13-5-08

etter no. 1426 dated
47
from the Dy. Commr, Kolar
Dist, on the subject.

Order thereon no.— 696/M-7.405-08-B

The case was heard and file. on 4-9-09
before Govt on the 25th August 1909
The appellants said that they
had spent money in clearing
the premises of prickly pears.
The Respondents — Mohadin Sha
Hussain, Makkandar, and Hyder
Sha Hussain denied that
any clearing was done by
these the Appellants claimed
a share of the produce of trees,
which also the Defts denied.

2) The Govt direct that
both points of dispute are
such as should be left
to the decision of a Civil Court.
If the appellants have been
expressly ordered to do any
clearing work by the Dy
Commr or any Rev. Officer
the quantity and cost of such

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

work may be withheld from the Zasdik due and paid over to the party doing the work. If on the other hand (as is more likely) the petitioners did the work of their own accord in order to get payment of the Zasdik, the Revy. Dept. has nothing to do with the matter and the parties ~~should~~ will be informed that their dispute should be settled by a civil Court.

97

(Sd) 7/9/08

for Secretary

4/9/08

Dy. No. 607 Enquiries

Ent. to Peps

694 / M-7.405-08-8 — 14-9-09

[illegible]

[illegible]

[illegible] 994 [illegible]

[illegible]

Retain 8/[illegible]

60

By order,
Asst. under
for Secretary.

69
M-7.405-

By order,
Asst. under
for Secretary.

Dy Govt Solar Dia
No 69607 4.9.09.

directs that the disputed
are such as should be left
to the decision of a Civil Court
that if the appellants
have been expressly ordered
to do any clearing work
by the Dy Govt or any Rev
Offrs, the cost of such work
may be withheld from
the Tasvib due and paid
over to the party, and
that if it is otherwise
the Revy Deptt has nothing
to do in the matter and
the parties will be informed
that their dispute should
be settled by a Civil Court

Encl- No 697 } Petitions
No 698 } Translations

I submit as the above

M. Muhammad Ismail
Accordn